

Maine Revised Statutes
Title 32: PROFESSIONS AND OCCUPATIONS
Chapter 28: MANUFACTURERS, DISTRIBUTORS
AND DEALERS OF BEVERAGE CONTAINERS

§1866-D. COMMINGLING OF BEVERAGE CONTAINERS

Notwithstanding any other provision of this chapter to the contrary, 2 or more initiators of deposit may enter into a commingling agreement through which some or all of the beverage containers for which the initiators have initiated deposits may be commingled by dealers and operators of redemption centers as provided in this section. [2003, c. 499, §8 (NEW).]

An initiator of deposit that enters into a commingling agreement pursuant to this section shall permit any other initiator of deposit to become a party to that agreement on the same terms and conditions as the original agreement. [2003, c. 499, §8 (NEW).]

1. Commingling requirement. If initiators of deposit enter into a commingling agreement pursuant to this section, commingling of beverage containers must be by all containers of like product group, material and size. An initiator of deposit required pursuant to section 1866, subsection 5 to pick up beverage containers subject to a commingling agreement also shall pick up all other beverage containers subject to the same agreement. The initiator of deposit may not require beverage containers that are subject to a commingling agreement to be sorted separately by a dealer or redemption center.

[2003, c. 499, §8 (NEW).]

2. Commingling of like materials. For purposes of this section, containers are considered to be of like materials if made up of one of the following:

- A. Plastic; [2003, c. 499, §8 (NEW).]
- B. Aluminum; [2003, c. 499, §8 (NEW).]
- C. Metal other than aluminum; and [2003, c. 499, §8 (NEW).]
- D. Glass. [2003, c. 499, §8 (NEW).]

[2003, c. 499, §8 (NEW).]

3. Commingling of like products. For purposes of this section, like products are those that are made up of one of the following:

- A. Beer, ale or other beverage produced by fermenting malt, wine and wine coolers; [2003, c. 499, §8 (NEW).]
- B. Spirits; [2003, c. 499, §8 (NEW).]
- C. Soda; [2003, c. 499, §8 (NEW).]
- D. Noncarbonated water; and [2003, c. 499, §8 (NEW).]
- E. All other beverages. [2003, c. 499, §8 (NEW).]

[2003, c. 499, §8 (NEW).]

4. Registration of commingling agreements. Not later than 48 hours following the execution or amendment of a commingling agreement, including an amendment that adds an additional party to an existing agreement, the parties shall file a copy of the commingling agreement or amendment with the department.

[2003, c. 499, §8 (NEW) .]

SECTION HISTORY

2003, c. 499, §8 (NEW) .

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